

REMARKS

Withdrawal of Previous Election and New Election

In accordance with M.P.E.P. § 819, Applicants hereby expressly indicate that a change in election is desired. Applicants now elect the pharmaceutical composition claims. However, it is noted that all of the method claims are dependent on the product (pharmaceutical composition) claims, and if a restriction is made, rejoinder of the method claims will be required when the product claims are allowed.

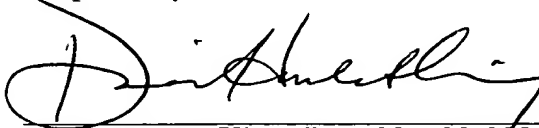
Moreover, insofar as the Examiner may restate a requirement for election of species in response to the above amendments and election, Applicants elect a pharmaceutical composition comprising progesterone and a nitric oxide donor, e.g., nitroglycerin. Claims 14-21 and 28-31 (e.g., because (b) may be both a nitric oxide donor and nitric oxide synthase substrate) read on the elected species, as well as all of the method claims. If these claims are found allowable, the Examiner is again reminded that consideration of the **entire** scope of the claims is required.

Potential rejection under § 103 over Harrison

It is respectfully submitted that the teaching of Harrison et al. (cited in the parent application) does not anticipate nor render obvious any of the present pharmaceutical composition claims, and in particular does not render obvious any of the method claims insofar as they relate to pregnant females suffering from preeclampsia, with or without concurrent preterm labor. Harrison clearly does not read on preterm labor as part of the preeclampsia syndrome, and in fact, explicitly teaches away from using tocolytic agents (for labor inhibition) in the case of preeclampsia: see col. 2, lines 4-13 ("contraindications such as eclampsia, preeclampsia ...").

In view of the above remarks and amendments, it is respectfully submitted that the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Diana Hamlet-King, Reg. No. 33,302
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Direct Dial: (703) 812-5307

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